



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/637,889	08/08/2003	David C. Challener	RPS920010143US1	2488
25299	7590	11/05/2007		
IBM CORPORATION PO BOX 12195 DEPT YXSA, BLDG 002 RESEARCH TRIANGLE PARK, NC 27709			EXAMINER BAYAT, BRADLEY B	
			ART UNIT 3621	PAPER NUMBER
			MAIL DATE 11/05/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/637,889	<b>Applicant(s)</b> CHALLENGER ET AL.	
	<b>Examiner</b> Bradley B. Bayat	<b>Art Unit</b> 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15, 35-40, 47-52 and 59-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15, 35-40, 47-52 and 59-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                   |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                              | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/8/2003</u> . | 6) <input type="checkbox"/> Other: _____                                                |

Art Unit: 3621

### **DETAILED ACTION**

This application has been forwarded from the previous examiner to Primary Bayat. This communication is in response to restriction election by applicant filed July 11, 2007.

#### ***Election/Restrictions***

Applicant's election without traverse of Group I, Claims 1-15, 35-40, 47-52 and 59-64 in the reply filed on 7/11/2007 is acknowledged.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 8/8/2003 is in compliance with the provisions of 37 CFR 1.97 and therefore considered by the examiner.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-15, 35-40, 47-52 and 59-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiner, 2002/0040355 A1 in view of Davis, US Patent 6,362,745 B1.**

1-11. Weiner discloses a system for receiving data regarding usage of a utility product at a plurality of remote locations, wherein said system comprises

- a central computer system (Fig 1, central computer system of UPS),
- a database accessed by said computer system (Fig 1, database 130),
- a plurality of meters (Fig 1, utility meter 102), and

- a communication network (Fig 1, communication network 120) connecting each meter within said plurality of meters with said central computer system to transmit data to said central computer system, said database stores a plurality of data records, each data record in said plurality of data records includes a meter identifier (0026, identifier/indicia) identifying a meter within said plurality of meters associated with said data record and a public cryptographic key of said meter, each of said meters includes data storage storing a private cryptographic key of said meter and a microprocessor accessing said data storage and programmed to encrypt a message with said private cryptographic key and to transmit said message encrypted with said private cryptographic key, wherein said message includes an alphanumeric value together with a data value representing a measured usage of said utility product, over said communication network to said central computer system, information encrypted with said private cryptographic key is decrypted with said public cryptographic key, and said central computer system includes a processor programmed to receive said message encrypted with said private cryptographic key, to decrypt with said public cryptographic key of said meter, said message encrypted with said private cryptographic key, forming a decrypted message, and to compare a version of said alphanumeric value from said decrypted message with unencrypted version of said alphanumeric value (0040-41, key cryptography, see detailed description of the invention 0034-46, also see Fig 4 and associated text).

Weiner does not explicitly disclose receiving a signal for tamper detection and identification mechanism. However, Davis teaches an electric meter tamper detection system for sensing removal of an electric meter from a corresponding meter socket and

Art Unit: 3621

for generating a tamper signal (see summary of the invention). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Weiner to include the improvements of Davis in order to further ensure flexibility for consumers in determining and having control over utility market as well as securing data access and tampering to effectuate changes in consumer purchase and integrity, as per teachings of Weiner and Davis.

Claims 35-40, 47-52 and 59-64 are directed to methods and computer-readable medium of the above system claims and are rejected accordingly.

*Although the Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action, the specified citations are merely representative of the teachings in the art as applied to the specific limitations within the individual claim. Since other passages and figures may apply to the claimed invention as well, it is respectfully requested that the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.*

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley B. Bayat whose telephone number is 571-272-6704. The examiner can normally be reached on Tuesday-Friday 8 a.m.-6:30 p.m..

Art Unit: 3621

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Bradley B. Bayat", with a stylized horizontal line extending to the right.

Bradley B. Bayat  
Primary Examiner  
Art Unit 3621